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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,173	06/14/2001	William Kress Bodin	AUS920010583US1	8004

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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,173

Applicant(s)

BODIN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 12/17/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-33 is maintained.

Applicant argues (1), "Bridgman et al. US 2002/0087655 A1 Jul. 4, 2002. (Hereinafter Bridgman) must disclose each and every element as set forth in applicant's claim, In particular, the cited reference fail to disclose, teach or suggest a method, system and product for streaming digital content from a multiplicity of sources of digital information to a multiplicity of directors in conjunction with a network of digital computers". The examiner respectfully disagrees in response to applicant's arguments. Bridgman discloses a method (e.g., paragraph 26, col., 2), system (e.g., paragraph 23, col., 2, figure 1) and product (e.g., paragraphs 66 and 67, col., 4) for streaming digital content (e.g., paragraph 22, col., 2, paragraph 45, col., 3) from a multiplicity of sources (e.g., paragraphs 24 and 29, col., 2) of digital information (e.g., paragraph 22, col., 2, paragraph 45, col., 3) to a multiplicity of directors (e.g., paragraph 23, col., 2, paragraph 44, col., 3) in conjunction with a network (e.g., paragraph 31, col., 2) of digital computers (e.g., paragraph 46, col., 3). Also, page 31, lines 5-10 of the specification, clearly states, "All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed

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subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter.

Therefore, the rejection is maintained.

Applicant argues (2), "Bridgman fails to disclose, teach or suggest assigning director authority in a system digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's arguments, the recitation of the subject matter contained in the preamble, i.e., "assigning director authority in a system digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors", has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Bridgman discloses limitations, assigning director authority (e.g., paragraph 59, col., 4) in a system digital content (e.g., paragraph 22, col., 2, paragraph 45, col., 3) from a multiplicity of sources (e.g., paragraphs 24 and 29, col., 2) of digital information (e.g., paragraph 22, col., 2, paragraph 45, col., 3) to a multiplicity of client devices (e.g., paragraph 46, col., 3) under control of a multiplicity of directors (e.g., paragraph 23, col., 2, paragraph 44, col., 3), as claimed. Therefore, the rejection is maintained.

Applicant argues (3), "Bridgman has nothing to do with the claimed subject matter and it is not an enabling disclosure of applicant's claims". The examiner respectfully disagrees in

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response to applicant's arguments. In response to applicant's argument that Bridgman is nonanalogous art / not an enabling disclosure, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, usage of a director and director instructions is similar to Bridgman's teachings of computer device usage (e.g., paragraph 23, col., 2) and instructions carried out by software modules (e.g., paragraph 58, col., 4) of the computer device (e.g., paragraph 23, col., 2), which is the same field of endeavor. Therefore, the rejection is maintained.

Applicant argues (4), "Bridgman fails to disclose, teach or suggest limitations, extracting and downloading director instructions to a director, digital content, director authority, digital information, director instruction, director's attributes, and director instructions record". The examiner respectfully disagrees in response to applicant's arguments. Bridgman discloses limitations, extracting (e.g., paragraph 58, col., 4, figure 2) and downloading (e.g., paragraph 59, col., 4, figure 3) director instructions (e.g., paragraph 58, col., 4, figure 4) to a director (e.g., paragraph 23, col., 2), digital content (e.g., paragraph 22, col., 2, paragraph 45, col., 3), director authority (e.g., paragraph 59, col., 4), digital information (e.g., paragraph 22, col., 2, paragraph 45, col., 3), director instruction (e.g., paragraph 58, col., 4), director's attributes (e.g., paragraph 63, col., 4), and director instructions record (e.g., paragraph 51, col., 3). Also, page 31, lines 5-10 of the specification, clearly states, "All exemplary embodiments described in this specification are mere examples, not limiting definitions of the invention. It is intended that descriptions in this specification are only for purposes of illustration and are not to be construed

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in a limiting sense. The scope of this invention should be limited only by the language of the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33, are rejected under 35 U.S.C. 102(e) as being anticipated by Bridgman et al. US 2002/0087655 A1 Jul. 4, 2002. (Hereinafter Bridgman), as per non-final office action, dated 8/26/2004.

Conclusion

5. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 13, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100